

AP31409-B

1619

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rose et al.

Serial No.: 09/833,047

Filed: April 11, 2001

Art Unit: 1619

For: LONG-ACTING, CHEMICAL-RESISTANT SKIN EMOLLIENTS
MOISTURIZERS AND STRENGTHENERS

Examiner: A. Berman

TECH CENTER 1600/2900

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3-24-02SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on February 28, 2002

Lindsay S. Adams

Attorney

Signature

February 28, 2002

Date of Signature

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50-1145.

Assistant Commissioner for Patents
Washington, D.C. 20231

SIR:

In the Communication dated January 28, 2002,

Applicants were advised that a further election of species is required. Specifically, Applicants have been advised to elect one of the compounds disclosed on pages 19-20 of the specification for continued prosecution.

In response, Applicants elect with traversal the compound

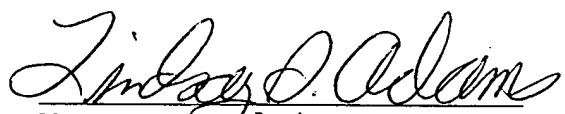
at page 20 designated "CMC". Applicants traverse this election since all the compounds on pages 19-20 have already been patented in the parent U.S. Patent No. 6,284,258 in which the present application is a continuation. The present application has been filed herewith to obtain protection for the genus not the species. Thus, Applicants do not see why a single compound must be elected if prosecution on the species is completed and examination of the genus remains. Withdrawal of this election requirement is respectfully requested.

Moreover, Applicants again traverse the restriction of the claims of Group I (claims 1-4) and Group III (claims 12 and 13). The Examiner states the basis for the restriction is that the application of the compound to the skin (Group III) is not required for Group I which is directed to the compound being used in Group III. However, the search for both of these groups would be the same. In fact, the Examiner in the parent U.S. Patent No. 6,284,258, examined and allowed claims directed to the compounds, compositions containing the compounds, and methods of using the compounds. Thus, Applicants do not see how examining Group I and III together place any serious burden on the Examiner as is required for a restriction requirement. See MPEP §803, 8th Ed. Joinder of Groups I and III is respectfully

requested.

Applicants do not believe that any fees are due.
However if fees are due please charge such sums to our Deposit
Account No. 50-1145.

Respectfully submitted,


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